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PATAGONIA, INC.

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION – LOS ANGELES**

PATAGONIA, INC.,

Plaintiffs,

V.

KINSEY LINN KARPOWICZ,

Defendant.

Case No. 2:18-cv-03868 FMO (RAOx)

**FINAL JUDGMENT AND
PERMANENT INJUNCTION AS
TO KINSEY LINN KAROPWICZ**

Plaintiff Patagonia, Inc. (“Patagonia”) has filed a Complaint alleging counterfeiting, trademark infringement, unfair competition, and copyright infringement under federal law against co-defendant Kinsey Linn Karopwicz. Ms. Karpowicz has imported, promoted, distributed, offered, and sold apparel products, bearing one or more identical or substantially indistinguishable imitations of Patagonia’s federally registered marks (the “Counterfeit Products”) using social media, including Facebook user accounts or Facebook Groups. Ms. Karpowicz consents to entry of judgment and permanent injunction to resolve this matter.

The Court now enters final judgment based upon the following undisputed facts. Each party has waived the right to appeal from this final judgment and each



1 party will bear its own fees and costs in connection with this action.
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3 **I. FACTS AND CONCLUSIONS**

4 A. This Court has subject matter jurisdiction over this lawsuit and personal
jurisdiction over Ms. Karpowicz. Venue is proper in this Court.
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6 B. Patagonia owns numerous registrations for the PATAGONIA trade-
mark, and for its distinctive logo depicting the Mt. Fitz Roy skyline (the “Fitz Roy
7 Design”), for a wide ranging assortment of products. Among these are the
8 following U.S. trademark registrations:
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| 10 11 Trademark | 12 Reg. No. / Reg. Date | 13 Goods | 14 Date of First Use |
|---|---|--|------------------------------------|
| 15 PATAGONIA | 16 1189402/ February 9, 1982 | 17 Men's and Women's Clothing-Namely, Sweaters, Rugby Shirts, Walking Shorts, Trousers, Jackets, Mittens, Hoods and Rainwear. | 18 08/1974 |
| 19  | 20 1294523/ September 11, 1984 | 21 Men's, Women's and Children's Clothing- Namely, Jackets, Pants, Vests, Gloves, Pullovers, Cardigans, Socks, Sweaters, Underwear, Shirts, Shorts, Skirts and Belts | 22 08/1974- 1981 |
| 23  | 24 1775623/ June 8, 1993 | 25 Luggage back packs, and all-purpose sports bags | 26 08/1988 |
| 27 PATAGONIA | 28 1811334/ December 14, 1993 | 29 Luggage, back packs, fanny packs and all- purpose sport bags, foot- wear, ski bags and ski gloves | 30 08/1990 |
| PATAGONIA | 2260188/ July 13, 1999 | Computerized on-line ordering activities in the field of clothing and acces- | 10/1995 |

| 1 2 Trademark | 3 4 5 6 7 Reg. No. / Reg. Date | 8 9 10 11 12 Goods | 13 14 15 Date of First Use |
|----------------------|--|---|--|
| | | sories; Providing information in the field of technical clothing and accessories for use in recreational, sporting and leisure activities; providing information in the field of existing and evolving environmental issues | |
| PATAGONIA.COM | 2392685/ October 10, 2000 | On-line retail store and mail order services featuring technical clothing, footwear, and accessories; Computer services in the nature of on-line information related to the environment and clothing | 10/1995 |
| PATAGONIA | 2662619/ December 17, 2002 | Retail store services featuring clothing, footwear, luggage and a wide variety of sporting goods and accessories | 06/1986 |

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These registrations for the PATAGONIA mark and logos are in full force and effect.
The registrations have become contestable under 15 U.S.C. § 1065. Collectively,
these marks, Patagonia's other registered trademarks, and its common law marks are
referred to as the "PATAGONIA trademarks." A color image of the Fitz Roy
Design follows:



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C. Ms. Karpowicz imported, promoted, distributed, offered, and sold



1 approximately 27 units of the Counterfeit Products.
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3 **II. PERMANENT INJUNCTION AND AWARD**

4 It is hereby ordered and adjudged as follows:
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6 A. Ms. Karpowicz shall pay the sum of \$250.00 to Patagonia within thirty
7 (30) days of entry of this Judgment. Payment shall be made by certified check,
8 payable to "Patagonia, Inc." and delivered to Patagonia's counsel of record.
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10 B. Commencing as of the "So Ordered" date of this Final Judgment and
11 Permanent Injunction, Ms. Karpowicz, her agents, employees, attorneys, successors,
12 assigns, affiliates, joint ventures, and any person(s) in active concert or participation
13 with her, and/or any person(s) acting for, with, by, through, or under her control
14 who receive actual notice of this Order, are hereby permanently enjoined and
15 restrained, anywhere in the world, directly or indirectly, from doing, authorizing or
16 procuring any persons to do any of the following:
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18 1. Manufacturing, producing, sourcing, importing, selling, offering
19 for sale, distributing, advertising, or promoting any goods or services that bear
20 reproductions of the PATAGONIA Trademarks;
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22 2. Manufacturing, producing, sourcing, importing, selling, offering
23 for sale, distributing, advertising, or promoting any goods or services that display
24 any words or symbols that so resemble the PATAGONIA trademarks as to be likely
25 to cause confusion, mistake, or deception, on or in connection with any product that
26 is not authorized by or for Patagonia;
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28 3. Using any word, term, name, symbol, device, or combination
thereof that causes or is likely to cause confusion, mistake, or deception as to the
affiliation or association of Ms. Karpowicz or her products with Patagonia or as to
the origin of Ms. Karpowicz's goods, or any false designation of origin, false or
misleading description or representation of fact, or any false or misleading
advertising;



4. Further infringing the rights of Patagonia in and to its PATAGONIA trademarks, or otherwise damaging Patagonia's goodwill or business reputation;

5. Further infringing Patagonia's copyright rights, including its rights in the Fitz Roy Design, or otherwise infringing any of Patagonia's rights under the Copyright Act and any other source of federal or state law;

6. Otherwise competing unfairly with Patagonia in any manner; and

7. Assisting, aiding or abetting any person or entity engaging in or performing any act prohibited by this paragraph.

C. This is a final judgment as to all claims asserted against Ms. Karpowicz related to the Counterfeit Products sold prior to the date of entry of this Final Judgment and Permanent Injunction. Both parties shall bear their own costs.

D. If Ms. Karpowicz is found to be in contempt of this injunction by a court of law, she agrees that she will pay to Patagonia a liquidated penalty in an amount no less than \$15,000.00 as liquidated damages, plus any other non-duplicative penalties or damages arising from the contempt.

E. If Patagonia commences an action for enforcement of this Judgment, the prevailing party shall be awarded reasonable attorneys' fees and costs from the other party for both the action enforcing this Judgment and the underlying litigation.

Dated: August 10, 2018

_____/s/_____
Hon. Fernando M. Olguin
United States District Judge